



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul C. Kocher, Joshua M. Jaffe,
and Benjamin C. Jun

Application No.: 09/930,836

Filing Date: August 15, 2001

Title: Cryptographic Computation Using
Masking to Prevent Differential Power
Analysis and Other Attacks

Confirmation No.: 2389

Group Art Unit: 2132

Examiner: Virgil A. Herring

Attorney Docket No.: 44424162-8724

SONNENSCHN NATH & ROSENTHAL LLP
Customer No. 26263

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope addressed to: Mail Stop Petition, Technology Center
2100, Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450 on the date given below.

Sept - 17, 2008

date of signature

Edward J. Radlo
Edward J. Radlo, Reg. No. 26,793

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Technology Center 2100
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

This Petition is being submitted pursuant to 37 CFR § 1.181 and MPEP § 711.03(c)I.A.

The USPTO mailed a Notice of Abandonment on August 27, 2008. A copy is enclosed
as Exhibit A.

The undersigned first became aware of this Notice of Abandonment on September 2,
2008, when Supervisory Primary Examiner Gilberto Baron, Jr. telephoned me to report that said
Notice of Abandonment had been issued, on grounds that Applicants failed to reply, within the
statutory three month period, to a Notice of Allowance that the USPTO allegedly mailed on

April 7, 2008. I first saw this April 7, 2008 Notice of Allowance on September 3, 2008, when my assistant, Lois Miller, downloaded it from PAIR at my request.

To the best of my knowledge, neither I nor anyone else in my law firm ever saw or received this April 7, 2008, Notice of Allowance prior to September 2, 2008, whether by receiving a paper document by U.S. mail or by checking the Outgoing Correspondence Sheets on Private PAIR.

All correspondence mailed from the USPTO for this patent application is directed to my law firm's docketing group at the following address:

SONNENSCHN NATH & ROSENTHAL LLP

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, Illinois 60606-1080

On September 3, 2008, I checked the entire casefile for this patent application. I did not find said April 7, 2008, Notice of Allowance in said casefile.

Beginning on September 4, 2008 and continuing over a period of several days, I spoke with two employees in my law firm's docketing department in Chicago, Nanette Combs and Rosalyn Butler, who informed me that a search of our docketing department's incoming mail log from April 7, 2008 to April 20, 2008 failed to disclose any evidence that our docketing department ever received said April 7, 2008 Notice of Allowance by U.S. mail. A copy of our Patent Daily Log for April 7, 2008 is enclosed herewith as Exhibit B. Exhibit B shows all of the incoming patent-related April 7, 2008-dated correspondence that our docketing department

received, whether by mail or facsimile. Exhibit B shows that no correspondence dated April 7, 2008 for this application was ever logged in by our docketing department, by mail or facsimile, through September 12, 2008, the date that Exhibit B was prepared by Rosalyn Butler. I have redacted the information in the "Doc. Type" column of Exhibit B, in order to protect the confidentiality of our other clients.

As a backup to logging in all written communications from the USPTO received by mail and facsimile, our docketing department, on a weekly basis, checks the Outgoing Correspondence Sheets on Private PAIR by customer number for all correspondence mailed by the USPTO for that customer number for the preceding week. For this patent application, the customer number is 26263. Exhibit C enclosed herewith is a copy of a printout of these Outgoing Correspondence Sheets that was made by Rosalyn Butler on April 9, 2008, and saved by her in the normal course of keeping business records. I first viewed Exhibit C on September 4, 2008. Exhibit C covers USPTO mailing dates of April 1, 2008 through April 9, 2008. Exhibit C does not contain any indication that the USPTO ever mailed to the address associated with our customer number 26263 a Notice of Allowance on April 7, 2008. Again, for reasons of client confidentiality, I have redacted the information in the last two columns of Exhibit C.

Exhibit D is a printout (made on April 16, 2008 by Rosalyn Butler) of Outgoing Correspondence Sheets for customer number 26263, showing documents that were mailed by the USPTO to the address associated with customer number 26263 for the period April 9, 2008 through April 16, 2008, also including one laggard item with a mailing date of April 7, 2008, and another laggard item with a mailing date of March 12, 2008. Again, Exhibit D does not contain any indication that the USPTO ever mailed a Notice of Allowance to our law firm on April 7,

2008. Again, for reasons of confidentiality, I have redacted the information in the last two columns of Exhibit D.

I am not enclosing a copy of our firm's master docket for the relevant three month period, because said docket contains a very large amount of confidential information pertaining to other clients, and because enclosing a copy of said master docket is not necessary to establish the fact that no one in my law firm saw or received the April 7, 2008 Notice of Allowance prior to September 2, 2008.

Exhibit E is a copy of a Bibliographic Data sheet printed on July 17, 2008 by my assistant, Lois Miller. Note that said Bibliographic Data sheet indicates that the USPTO mailed us a Notice of Allowance for this application on June 23, 2008. A subsequent search by Lois Miller and by members of our docketing group in Chicago failed to disclose any Notice of Allowance that was allegedly mailed on June 23, 2008. Rather, our law firm received in the U.S. mail an incomplete Notice of Allowability that was apparently mailed by the USPTO on June 23, 2008. At my request, Lois Miller telephoned Examiner Virgil A. Herring on several occasions inquiring as to the whereabouts of the missing pages from the June 23, 2008 mailing, including the cover sheet to the Notice of Allowability and the alleged Notice of Allowance. Specifically, Lois Miller telephoned and left voice mail messages for Examiner Herring on July 23, 2008, August 1, 2008, August 4, 2008, and August 5, 2008. On each of these four occasions, Lois Miller's voice mail messages for Examiner Herring specifically called his attention to the alleged June 23, 2008 Notice of Allowance, asking for its whereabouts and specifically asking Examiner Herring to return her calls. Examiner Herring did not return any of Lois Miller's voice mail messages.

Note that Exhibit E lists the Notice of Allowance that was allegedly mailed by the USPTO on April 7, 2008. Next to this entry is a red-marked notation "but there wasn't any" that was written on the original of Exhibit E by me. My best recollection is that I made this entry on or about July 18, 2008, after reviewing the physical casefile and not finding any April 7, 2008 Notice of Allowance in said casefile.

In follow up to said handwritten note, on or about July 18, 2008, Lois Miller checked the Transaction History section of PAIR for this patent application and did not find any entry there showing that an April 7, 2008 Notice of Allowance had been mailed. I concluded from all this the April 7, 2008 Notice of Allowance had been withdrawn before being actually mailed, probably because the Examiner was considering some recently-filed IDS's.


Exhibit E shows that a number of Information Disclosure Statements were in fact filed by the USPTO between April 7, 2008 and July 7, 2008. It is inconsistent that IDS's would have been filed by the USPTO during this time period if a Notice of Allowance had actually been mailed on April 7, 2008.

From the above, it seems clear that the USPTO never did actually mail a Notice of Allowance on April 7, 2008. Therefore, the undersigned respectfully requests that the holding of abandonment be withdrawn, and the Notice of Allowance be re-issued.

While Applicants believe that no fee is due, the Commissioner is hereby authorized to charge our Deposit Account No. 19-3140 for any fees required in connection with the filing of this Petition. This sheet is being submitted in duplicate.

Respectfully submitted,

date of signature:

September 17, 2008 

Edward J. Radlo
Reg. No. 26,793
Attorney of Record

SONNENSCHN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(415) 882-2402

enclosures

cc: IP/T docket CH (w.encl.)
J. Yang (DPA-DES-CON1) (")



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Respectfully submitted,

date of signature: *September 17, 2008* 
Edward J. Radlo
Reg. No. 26,793
Attorney of Record

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Chicago, Illinois 60606-1080
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enclosures

cc: IP/T docket CH (w.encl.)
J. Yang (DPA-DES-CON1) (")



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,836	08/15/2001	Paul C. Kocher	44424162-8724	2389

7590 08/27/2008
SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

HERRING, VIRGIL A

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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08/27/2008

PAPER

Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
 - (1) a timely filed amendment which places the application in condition for allowance;
 - (2) a timely filed Notice of Appeal (with appeal fee);
 - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____.
The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Exhibit A

Kocher et al. USSN: 09/930,836

Exhibit B

4/15/2008 11:15 AM	JP 2000-553850	Postal	4/7/2008	SNR	L2A	Turner, Shana	4/23/2008	No
4/16/2008 1:34 PM	CA2316551	Postal	4/7/2008	SNR	PMT	Walle-Santos, Leslie	4/21/2008	Yes
4/17/2008 12:24 PM	11/567807	Postal	4/7/2008	DVM	qpr	Turner, Shana	6/12/2008	No
4/17/2008 12:36 PM	11/567807	Postal	4/7/2008	PMT	PMT	Turner, Shana	4/21/2008	Yes
4/17/2008 12:43 PM	CN US2006/030938	Postal	4/7/2008	SNR	KUG	Turner, Shana	4/21/2008	No
4/17/2008 12:50 PM	SG 200704840-8	Postal	4/7/2008	6SG	HSA	Turner, Shana	4/21/2008	No
4/21/2008 9:36 AM	AU2003/016144	Postal	4/7/2008	HER	ABM	Turner, Shana	4/21/2008	No
4/21/2008 12:18 PM	6797323	Postal	4/7/2008	SNR	N2C	Walle-Santos, Leslie	4/21/2008	No
4/21/2008 12:23 PM	6033049	Postal	4/7/2008	SNR	L6W	Butler, Rosalyn	6/25/2008	No
4/21/2008 1:57 PM	EP 05781789.2	Postal	4/7/2008	37B	DF2	Walle-Santos, Leslie	4/21/2008	No
4/21/2008 3:06 PM	09/965273	Postal	4/7/2008	SNR	N2C	Butler, Rosalyn	4/21/2008	No
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4/29/2008 12:23 PM	ZA 2007/02275	Postal	4/7/2008	SNR	ABM	Turner, Shana	5/12/2008	No
Month : June (3)								
6/10/2008 4:23 PM	CA 2568932	Postal	4/7/2008	PMT	PMT	Walle-Santos, Leslie	6/10/2008	Yes
6/16/2008 2:06 PM	EP 04754740.1	Postal	4/7/2008	SNR	df2	Turner, Shana	6/17/2008	No

6/16/2008 2:07 PM	EP 05781789.2	Postal	4/7/2008	37B	df2	Turner, Shana	6/17/2008	No
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9/4/08

04-09-2008::17:07:25

Application Number	Patent Number	Attorney Docket Number	Customer Number	Mailing Date	Image Date	Document Code	Document Description	E: In V D
11/058,851	-	09792909-6047	26263	04-09-2008	04-08-2008			-
11/058,851	-	09792909-6047	26263	04-09-2008	04-08-2008			-
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09/943,773	-	09792909-5133	26263	04-09-2008	04-08-2008			-
09/943,773	-	09792909-5133	26263	04-09-2008	04-08-2008			-
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29/282,111	-	40022750-0017-100	26263	04-08-2008	04-08-2008			-
29/225,790	-	09741620-0602	26263	04-08-2008	04-08-2008			-
29/225,790	-	09741620-0602	26263	04-08-2008	04-08-2008			-

Exhibit C

Kocher et al. USSN: 09/930,836

12/049,884	-	09792909-7214	26263	04-08-2008	04-08-2008
12/049,884	-	09792909-7214	26263	04-08-2008	04-08-2008
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11/697,337	-	09792909-6965	26263	04-08-2008	04-07-2008
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11/283,186	-	70029830.0002	26263	04-08-2008	04-08-2008
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Results sorted by Mailing Date Descending

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09/930,836

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Bibliographic Data

under tab entitled "IMAGE FILE WRAPPER" on PRIVATE PAIR

Mail Room Date	Document Code	Document Description	Document Category	Page Count
07-07-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	4
07-07-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
07-07-2008	NPL	NPL Documents	PROSECUTION	1
06-23-2008	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
06-23-2008	FWCLM	Index of Claims	PROSECUTION	2
06-23-2008	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
06-23-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
06-23-2008	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
06-23-2008	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2
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06-23-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
06-23-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
05-15-2008	1449	List of References cited by applicant and considered by examiner	PROSECUTION	14
04-17-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
04-17-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
04-14-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
04-14-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
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04-04-2008	NPL	NPL Documents	PROSECUTION	201
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04-04-2008	NPL	NPL Documents	PROSECUTION	434
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04-04-2008	NPL	NPL Documents	PRIOR ART	2
04-04-2008	NPL	NPL Documents	PRIOR ART	24
04-04-2008	NPL	NPL Documents	PRIOR ART	4
04-04-2008	NPL	NPL Documents	PRIOR ART	8
04-04-2008	NPL	NPL Documents	PRIOR ART	2
04-04-2008	NPL	NPL Documents	PRIOR ART	14
04-04-2008	NPL	NPL Documents	PRIOR ART	4
04-04-2008	NPL	NPL Documents	PRIOR ART	5
04-04-2008	NPL	NPL Documents	PRIOR ART	22
04-04-2008	NPL	NPL Documents	PRIOR ART	82
04-04-2008	NPL	NPL Documents	PRIOR ART	8
04-04-2008	NPL	NPL Documents	PRIOR ART	17
04-04-2008	NPL	NPL Documents	PRIOR ART	9
04-04-2008	NPL	NPL Documents	PRIOR ART	239
04-04-2008	NPL	NPL Documents	PRIOR ART	10

Exhibit E

Kocher et al. USSN: 09/930,836

04-04-2008	NPL	NPL Documents	PRIOR ART	357
04-04-2008	NPL	NPL Documents	PRIOR ART	2
04-04-2008	NPL	NPL Documents	PRIOR ART	4
04-04-2008	NPL	NPL Documents	PRIOR ART	8
04-04-2008	NPL	NPL Documents	PRIOR ART	12
04-04-2008	NPL	NPL Documents	PRIOR ART	119
04-04-2008	NPL	NPL Documents	PRIOR ART	84
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04-04-2008	NPL	NPL Documents	PRIOR ART	17
04-04-2008	NPL	NPL Documents	PRIOR ART	26
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04-04-2008	NPL	NPL Documents	PRIOR ART	4
03-26-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	3
03-26-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
03-26-2008	NPL	NPL Documents	PRIOR ART	26
03-26-2008	NPL	NPL Documents	PRIOR ART	42
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03-26-2008	NPL	NPL Documents	PRIOR ART	34
03-26-2008	NPL	NPL Documents	PRIOR ART	38
03-26-2008	NPL	NPL Documents	PRIOR ART	10
03-26-2008	NPL	NPL Documents	PRIOR ART	6
03-26-2008	NPL	NPL Documents	PRIOR ART	16
03-26-2008	NPL	NPL Documents	PRIOR ART	1
03-26-2008	NPL	NPL Documents	PRIOR ART	38
03-26-2008	NPL	NPL Documents	PRIOR ART	16
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03-26-2008	NPL	NPL Documents	PRIOR ART	69
03-26-2008	NPL	NPL Documents	PRIOR ART	23
03-26-2008	NPL	NPL Documents	PRIOR ART	9
02-01-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
02-01-2008	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
02-01-2008	NPL	NPL Documents	PRIOR ART	37
01-25-2008	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
12-31-2007	EXIN	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	2
12-27-2007	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	3
12-27-2007	IDS	Information Disclosure Statement (IDS) Filed	PRIOR ART	4
12-27-2007	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
12-06-2007	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
12-06-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
12-06-2007	FOR	Foreign Reference	PRIOR ART	6
12-06-2007	NPL	NPL Documents	PRIOR ART	333
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12-06-2007	NPL	NPL Documents	PRIOR ART	20
12-06-2007	NPL	NPL Documents	PRIOR ART	13
12-06-2007	NPL	NPL Documents	PRIOR ART	19
12-06-2007	NPL	NPL Documents	PRIOR ART	25
11-28-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
11-28-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
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11-28-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
11-23-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
11-23-2007	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2

*Only page 4 was
initialed & returned*

11-18-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1
11-05-2007	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
11-05-2007	IDS	Information Disclosure Statement (IDS) Filed	PRIOR ART	4
11-05-2007	NPL	NPL Documents	PRIOR ART	85
11-05-2007	NPL	NPL Documents	PRIOR ART	15
11-05-2007	NPL	NPL Documents	PRIOR ART	44
11-05-2007	NPL	NPL Documents	PRIOR ART	128
11-05-2007	NPL	NPL Documents	PRIOR ART	14
11-05-2007	NPL	NPL Documents	PRIOR ART	6
11-05-2007	NPL	NPL Documents	PRIOR ART	13
11-05-2007	NPL	NPL Documents	PRIOR ART	6
11-05-2007	NPL	NPL Documents	PRIOR ART	2
11-05-2007	NPL	NPL Documents	PRIOR ART	330
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11-05-2007	NPL	NPL Documents	PRIOR ART	11
11-05-2007	NPL	NPL Documents	PRIOR ART	12
11-05-2007	NPL	NPL Documents	PRIOR ART	6
11-05-2007	NPL	NPL Documents	PRIOR ART	17
11-05-2007	NPL	NPL Documents	PRIOR ART	12
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11-05-2007	NPL	NPL Documents	PRIOR ART	11
11-05-2007	NPL	NPL Documents	PRIOR ART	73
11-05-2007	NPL	NPL Documents	PRIOR ART	14
11-05-2007	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
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09-29-2007	SRNT	Examiner's search strategy and results	PROSECUTION	3
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06-28-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
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06-14-2007	NPL	NPL Documents	PRIOR ART	7
05-25-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
05-25-2007	FOR	Foreign Reference	PRIOR ART	42
05-25-2007	FOR	Foreign Reference	PRIOR ART	32
05-04-2007	IDS	Information Disclosure Statement (IDS) Filed	PRIOR ART	3
05-04-2007	NPL	NPL Documents	PRIOR ART	39
05-04-2007	NPL	NPL Documents	PRIOR ART	489
05-03-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
05-03-2007	FOR	Foreign Reference	PRIOR ART	28

05-03-2007	FOR	Foreign Reference	PRIOR ART	17
05-03-2007	FOR	Foreign Reference	PRIOR ART	9
05-03-2007	FOR	Foreign Reference	PRIOR ART	8
05-03-2007	FOR	Foreign Reference	PRIOR ART	4
05-03-2007	FOR	Foreign Reference	PRIOR ART	7
05-03-2007	NPL	NPL Documents	PRIOR ART	11
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05-03-2007	NPL	NPL Documents	PRIOR ART	10
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05-03-2007	NPL	NPL Documents	PRIOR ART	15
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03-28-2007	NPL	NPL Documents	PRIOR ART	6
03-28-2007	NPL	NPL Documents	PRIOR ART	12
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03-28-2007	NPL	NPL Documents	PRIOR ART	7
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03-28-2007	NPL	NPL Documents	PRIOR ART	8
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03-28-2007	NPL	NPL Documents	PRIOR ART	12

02-22-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
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02-05-2007	NPL	NPL Documents	PRIOR ART	1
11-29-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
11-29-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
11-29-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2
11-29-2006	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
09-05-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
09-05-2006	FOR	Foreign Reference	PRIOR ART	9
09-05-2006	FOR	Foreign Reference	PRIOR ART	14
09-05-2006	FOR	Foreign Reference	PRIOR ART	18
09-05-2006	FOR	Foreign Reference	PRIOR ART	20
08-16-2006	BIB	Bibliographic Data Sheet	PROSECUTION	1
08-07-2006	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
08-07-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
05-02-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
05-02-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	1
05-02-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2
05-02-2006	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
05-02-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
05-02-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	2
01-05-2006	PETDEC	Petition Decision	PROSECUTION	1
12-29-2005	PETWDISS	Petition to Withdraw from Issue	PROSECUTION	2
12-29-2005	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
12-29-2005	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	2
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	2
12-29-2005	NPL	NPL Documents	PRIOR ART	2

12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	2
12-29-2005	NPL	NPL Documents	PRIOR ART	4
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	1
12-29-2005	NPL	NPL Documents	PRIOR ART	2
12-29-2005	NPL	NPL Documents	PRIOR ART	1
10-21-2005	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
08-24-2005	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
08-24-2005	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	8
08-24-2005	1449	List of References cited by applicant and considered by examiner	PRIOR ART	14
08-24-2005	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
08-24-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
08-21-2005	SRNT	Examiner's search strategy and results	PROSECUTION	2
08-01-2005	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	6
08-01-2005	NPL	NPL Documents	PRIOR ART	2
08-01-2005	NPL	NPL Documents	PRIOR ART	3
08-01-2005	NPL	NPL Documents	PRIOR ART	21
08-01-2005	NPL	NPL Documents	PRIOR ART	17
08-01-2005	NPL	NPL Documents	PRIOR ART	17
08-01-2005	NPL	NPL Documents	PRIOR ART	12
08-01-2005	NPL	NPL Documents	PRIOR ART	16
08-01-2005	NPL	NPL Documents	PRIOR ART	28
08-01-2005	NPL	NPL Documents	PRIOR ART	24
08-01-2005	NPL	NPL Documents	PRIOR ART	46
08-01-2005	NPL	NPL Documents	PRIOR ART	1
08-01-2005	FOR	Foreign Reference	PRIOR ART	12
08-01-2005	FOR	Foreign Reference	PRIOR ART	158
05-02-2005	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	5
05-02-2005	NPL	NPL Documents	PRIOR ART	10
03-11-2005	PETDEC	Petition Decision	PROSECUTION	2
01-05-2005	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
12-27-2004	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
12-27-2004	FOR	Foreign Reference	PRIOR ART	18
12-27-2004	FOR	Foreign Reference	PRIOR ART	7
12-27-2004	FOR	Foreign Reference	PRIOR ART	17
11-08-2004	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
11-08-2004	FOR	Foreign Reference	PRIOR ART	13
10-25-2004	PA..	Power of Attorney	PROSECUTION	3
10-05-2004	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
10-05-2004	NPL	NPL Documents	PRIOR ART	13
10-05-2004	NPL	NPL Documents	PRIOR ART	9
10-05-2004	NPL	NPL Documents	PRIOR ART	5
09-13-2004	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
09-13-2004	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	6
09-13-2004	FOR	Foreign Reference	PRIOR ART	15
09-13-2004	FOR	Foreign Reference	PRIOR ART	35
09-13-2004	NPL	NPL Documents	PRIOR ART	18
09-13-2004	NPL	NPL Documents	PRIOR ART	39
09-13-2004	NPL	NPL Documents	PRIOR ART	29
09-13-2004	NPL	NPL Documents	PRIOR ART	19
09-13-2004	NPL	NPL Documents	PRIOR ART	7
09-13-2004	NPL	NPL Documents	PRIOR ART	9

09-13-2004	NPL	NPL Documents	PRIOR ART	14
09-13-2004	NPL	NPL Documents	PRIOR ART	23
09-13-2004	NPL	NPL Documents	PRIOR ART	8
09-13-2004	NPL	NPL Documents	PRIOR ART	6
09-13-2004	NPL	NPL Documents	PRIOR ART	2
09-13-2004	NPL	NPL Documents	PRIOR ART	30
09-13-2004	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
09-13-2004	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
08-25-2004	PA..	Power of Attorney	PROSECUTION	3
06-29-2004	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	11
06-29-2004	892	List of references cited by examiner	PRIOR ART	1
06-29-2004	1449	List of References cited by applicant and considered by examiner	PRIOR ART	3
06-28-2004	SRNT	Examiner's search strategy and results	PROSECUTION	1
06-04-2004	N578	Notification of Withdrawal of Attorney	PROSECUTION	2
04-30-2004	PA..	Power of Attorney	PROSECUTION	2
04-12-2004	N570	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	2
04-02-2004	PA..	Power of Attorney	PROSECUTION	2
08-31-2001	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
08-31-2001	NPL	NPL Documents	PRIOR ART	5
08-31-2001	NPL	NPL Documents	PRIOR ART	5
08-31-2001	NPL	NPL Documents	PRIOR ART	2
08-31-2001	NPL	NPL Documents	PRIOR ART	11
08-31-2001	NPL	NPL Documents	PRIOR ART	19
08-31-2001	NPL	NPL Documents	PRIOR ART	8
08-31-2001	NPL	NPL Documents	PRIOR ART	56
08-31-2001	NPL	NPL Documents	PRIOR ART	8
08-31-2001	NPL	NPL Documents	PRIOR ART	12
08-15-2001	TRNA	Transmittal of New Application	AS FILED	5
08-15-2001	A.PE	Preliminary Amendment	AS FILED	8
08-15-2001	SPEC	Specification	AS FILED	24
08-15-2001	CLM	Claims	AS FILED	9
08-15-2001	ABST	Abstract	AS FILED	1
08-15-2001	DRW	Drawings-only black and white line drawings	AS FILED	2
08-15-2001	OATH	Oath or Declaration filed	AS FILED	4
08-15-2001	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
08-15-2001	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
08-15-2001	FWCLM	Index of Claims	PROSECUTION	1
08-15-2001	TRNA	Transmittal of New Application	PROSECUTION	5
08-15-2001	136A	Authorization for Extension of Time all replies	PROSECUTION	5
08-15-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	2
08-15-2001	SPEC	Specification	PROSECUTION	24
08-15-2001	CLM	Claims	PROSECUTION	9
08-15-2001	ABST	Abstract	PROSECUTION	1
08-15-2001	OATH	Oath or Declaration filed	PROSECUTION	4
08-15-2001	BIB	Bibliographic Data Sheet	PROSECUTION	1
08-15-2001	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
08-15-2001	A.PE	Preliminary Amendment	PROSECUTION	1
08-15-2001	SPEC	Specification	PROSECUTION	2
08-15-2001	CLM	Claims	PROSECUTION	4
08-15-2001	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1

[Close Window](#)